

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

PAUL BRUMFIELD,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-01223

NAOMI ROBERTS, et al.

Defendants.

ORDER

Before the Court is Plaintiff Paul Brumfield's Complaint [Docket 2]. By Standing Order entered August 1, 2006, and filed in this case on November 6, 2009, this action was referred to United States Magistrate Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed a PF&R [Docket 25] on June 22, 2010, recommending that this Court find that Plaintiff has failed to prosecute his claim against the late Dr. Ebenezer Obenza and dismiss Dr. Obenza as a party defendant without prejudice.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct

a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on July 9, 2010. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 25] and **DISMISSES** Dr. Obenza as a party defendant without prejudice.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 7, 2010



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE